



Rep. Sara Feigenholtz

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LRB099 20520 KTG 47119 a

1 AMENDMENT TO HOUSE BILL 5551

2 AMENDMENT NO. _____. Amend House Bill 5551 as follows:

3 on page 1, line 5, by replacing "Section 7" with "Sections 6a
4 and 7"; and

5 on page 1, immediately below line 5, by inserting the
6 following:

7 "(20 ILCS 505/6a) (from Ch. 23, par. 5006a)

8 Sec. 6a. Case Plan.

9 (a) With respect to each Department client for whom the
10 Department is providing placement service, the Department
11 shall develop a case plan designed to stabilize the family
12 situation and prevent placement of a child outside the home of
13 the family when the child can be cared for at home without
14 endangering the child's health or safety, reunify the family if
15 temporary placement is necessary when safe and appropriate, or

1 move the child toward the most permanent living arrangement and
2 permanent legal status. Such case plan shall provide for the
3 utilization of family preservation services as defined in
4 Section 8.2 of the Abused and Neglected Child Reporting Act.
5 Such case plan shall be reviewed and updated every 6 months.
6 The Department shall ensure that incarcerated parents are able
7 to participate in case plan reviews via teleconference or
8 videoconference. Where appropriate, the case plan shall
9 include recommendations concerning alcohol or drug abuse
10 evaluation.

11 If the parent is incarcerated, the case plan must address
12 the tasks that must be completed by the parent and how the
13 parent will participate in the administrative case review and
14 permanency planning hearings and, wherever possible, must
15 include treatment that reflects the resources available at the
16 facility where the parent is confined. The case plan must
17 provide for visitation opportunities, unless visitation is not
18 in the best interests of the child.

19 (b) The Department may enter into written agreements with
20 child welfare agencies to establish and implement case plan
21 demonstration projects. The demonstration projects shall
22 require that service providers develop, implement, review and
23 update client case plans. The Department shall examine the
24 effectiveness of the demonstration projects in promoting the
25 family reunification or the permanent placement of each client
26 and shall report its findings to the General Assembly no later

1 than 90 days after the end of the fiscal year in which any such
2 demonstration project is implemented.

3 (Source: P.A. 89-704, eff. 8-16-97 (changed from 1-1-98 by P.A.
4 90-443); 90-28, eff. 1-1-98; 90-443, eff. 8-16-97.); and

5 on page 9, line 22, after the period, by inserting "To the
6 extent that doing so is in the child's best interests as set
7 forth in subsection (4.05) of Section 1-3 of the Juvenile Court
8 Act of 1987, the Department should consider placements that
9 will permit the child to maintain a meaningful relationship
10 with his or her parents."; and

11 on page 10, immediately below line 6, by inserting the
12 following:

13 "Section 10. The Juvenile Court Act of 1987 is amended by
14 changing Section 2-13 as follows:

15 (705 ILCS 405/2-13) (from Ch. 37, par. 802-13)

16 Sec. 2-13. Petition.

17 (1) Any adult person, any agency or association by its
18 representative may file, or the court on its own motion,
19 consistent with the health, safety and best interests of the
20 minor may direct the filing through the State's Attorney of a
21 petition in respect of a minor under this Act. The petition and
22 all subsequent court documents shall be entitled "In the

1 interest of, a minor".

2 (2) The petition shall be verified but the statements may
3 be made upon information and belief. It shall allege that the
4 minor is abused, neglected, or dependent, with citations to the
5 appropriate provisions of this Act, and set forth (a) facts
6 sufficient to bring the minor under Section 2-3 or 2-4 and to
7 inform respondents of the cause of action, including, but not
8 limited to, a plain and concise statement of the factual
9 allegations that form the basis for the filing of the petition;
10 (b) the name, age and residence of the minor; (c) the names and
11 residences of his parents; (d) the name and residence of his
12 legal guardian or the person or persons having custody or
13 control of the minor, or of the nearest known relative if no
14 parent or guardian can be found; and (e) if the minor upon
15 whose behalf the petition is brought is sheltered in custody,
16 the date on which such temporary custody was ordered by the
17 court or the date set for a temporary custody hearing. If any
18 of the facts herein required are not known by the petitioner,
19 the petition shall so state.

20 (3) The petition must allege that it is in the best
21 interests of the minor and of the public that he be adjudged a
22 ward of the court and may pray generally for relief available
23 under this Act. The petition need not specify any proposed
24 disposition following adjudication of wardship. The petition
25 may request that the minor remain in the custody of the parent,
26 guardian, or custodian under an Order of Protection.

1 (4) If termination of parental rights and appointment of a
2 guardian of the person with power to consent to adoption of the
3 minor under Section 2-29 is sought, the petition shall so
4 state. If the petition includes this request, the prayer for
5 relief shall clearly and obviously state that the parents could
6 permanently lose their rights as a parent at this hearing.

7 In addition to the foregoing, the petitioner, by motion,
8 may request the termination of parental rights and appointment
9 of a guardian of the person with power to consent to adoption
10 of the minor under Section 2-29 at any time after the entry of
11 a dispositional order under Section 2-22.

12 (4.5) (a) Unless good cause exists that filing a petition
13 to terminate parental rights is contrary to the child's best
14 interests, with ~~with~~ respect to any minors committed to its
15 care pursuant to this Act, the Department of Children and
16 Family Services shall request the State's Attorney to file a
17 petition or motion for termination of parental rights and
18 appointment of guardian of the person with power to consent to
19 adoption of the minor under Section 2-29 if:

20 (i) a minor has been in foster care, as described in
21 subsection (b), for 15 months of the most recent 22 months;
22 or

23 (ii) a minor under the age of 2 years has been
24 previously determined to be abandoned at an adjudicatory
25 hearing; or

26 (iii) the parent is criminally convicted of (A) first

1 degree murder or second degree murder of any child, (B)
2 attempt or conspiracy to commit first degree murder or
3 second degree murder of any child, (C) solicitation to
4 commit murder of any child, solicitation to commit murder
5 for hire of any child, or solicitation to commit second
6 degree murder of any child, (D) aggravated battery,
7 aggravated battery of a child, or felony domestic battery,
8 any of which has resulted in serious injury to the minor or
9 a sibling of the minor, (E) aggravated criminal sexual
10 assault in violation of subdivision (a)(1) of Section
11 11-1.40 or subdivision (a)(1) of Section 12-14.1 of the
12 Criminal Code of 1961 or the Criminal Code of 2012, or (F)
13 an offense in any other state the elements of which are
14 similar and bear a substantial relationship to any of the
15 foregoing offenses.

16 ~~unless:~~

17 (a-1) For purposes of this subsection (4.5), good cause
18 exists in the following circumstances:

19 (i) the child is being cared for by a relative,

20 (ii) the Department has documented in the case plan a
21 compelling reason for determining that filing such
22 petition would not be in the best interests of the child,

23 (iii) the court has found within the preceding 12
24 months that the Department has failed to make reasonable
25 efforts to reunify the child and family, or

26 (iv) the parent is incarcerated, or the parent's prior

1 incarceration is a significant factor in why the child has
2 been in foster care for 15 months out of any 22 month
3 period, the parent maintains a meaningful role in the
4 child's life, and the Department has not documented another
5 reason why it would otherwise be appropriate to file a
6 petition to terminate parental rights pursuant to this
7 Section and the Adoption Act. The assessment of whether an
8 incarcerated parent maintains a meaningful role in the
9 child's life may include consideration of the following:
10 ~~paragraph (c) of this subsection (4.5) provides otherwise.~~

11 (A) the child's best interest;

12 (B) the parent's expressions or acts of
13 manifesting concern for the child, such as letters,
14 telephone calls, visits, and other forms of
15 communication with the child and the impact of the
16 communication on the child;

17 (C) the parent's efforts to communicate with and
18 work with the Department for the purpose of complying
19 with the service plan and repairing, maintaining, or
20 building the parent-child relationship; or

21 (D) limitations in the parent's access to family
22 support programs, therapeutic services, visiting
23 opportunities, telephone and mail services, and
24 meaningful participation in court proceedings.

25 (b) For purposes of this subsection, the date of entering
26 foster care is defined as the earlier of:

1 (1) The date of a judicial finding at an adjudicatory
2 hearing that the child is an abused, neglected, or
3 dependent minor; or

4 (2) 60 days after the date on which the child is
5 removed from his or her parent, guardian, or legal
6 custodian.

7 (c) (Blank). ~~With respect to paragraph (a)(i), the~~
8 ~~following transition rules shall apply:~~

9 ~~(1) If the child entered foster care after November 19,~~
10 ~~1997 and this amendatory Act of 1998 takes effect before~~
11 ~~the child has been in foster care for 15 months of the~~
12 ~~preceding 22 months, then the Department shall comply with~~
13 ~~the requirements of paragraph (a) of this subsection (4.5)~~
14 ~~for that child as soon as the child has been in foster care~~
15 ~~for 15 of the preceding 22 months.~~

16 ~~(2) If the child entered foster care after November 19,~~
17 ~~1997 and this amendatory Act of 1998 takes effect after the~~
18 ~~child has been in foster care for 15 of the preceding 22~~
19 ~~months, then the Department shall comply with the~~
20 ~~requirements of paragraph (a) of this subsection (4.5) for~~
21 ~~that child within 3 months after the end of the next~~
22 ~~regular session of the General Assembly.~~

23 ~~(3) If the child entered foster care prior to November~~
24 ~~19, 1997, then the Department shall comply with the~~
25 ~~requirements of paragraph (a) of this subsection (4.5) for~~
26 ~~that child in accordance with Department policy or rule.~~

1 (d) (Blank). ~~If the State's Attorney determines that the~~
2 ~~Department's request for filing of a petition or motion~~
3 ~~conforms to the requirements set forth in subdivisions (a),~~
4 ~~(b), and (c) of this subsection (4.5), then the State's~~
5 ~~Attorney shall file the petition or motion as requested.~~

6 (5) The court shall liberally allow the petitioner to amend
7 the petition to set forth a cause of action or to add, amend,
8 or supplement factual allegations that form the basis for a
9 cause of action up until 14 days before the adjudicatory
10 hearing. The petitioner may amend the petition after that date
11 and prior to the adjudicatory hearing if the court grants leave
12 to amend upon a showing of good cause. The court may allow
13 amendment of the petition to conform with the evidence at any
14 time prior to ruling. In all cases in which the court has
15 granted leave to amend based on new evidence or new
16 allegations, the court shall permit the respondent an adequate
17 opportunity to prepare a defense to the amended petition.

18 (6) At any time before dismissal of the petition or before
19 final closing and discharge under Section 2-31, one or more
20 motions in the best interests of the minor may be filed. The
21 motion shall specify sufficient facts in support of the relief
22 requested.

23 (Source: P.A. 97-1150, eff. 1-25-13.)

24 Section 15. The Adoption Act is amended by changing Section
25 1 as follows:

1 (750 ILCS 50/1) (from Ch. 40, par. 1501)

2 Sec. 1. Definitions. When used in this Act, unless the
3 context otherwise requires:

4 A. "Child" means a person under legal age subject to
5 adoption under this Act.

6 B. "Related child" means a child subject to adoption where
7 either or both of the adopting parents stands in any of the
8 following relationships to the child by blood, marriage,
9 adoption, or civil union: parent, grand-parent,
10 great-grandparent, brother, sister, step-parent,
11 step-grandparent, step-brother, step-sister, uncle, aunt,
12 great-uncle, great-aunt, first cousin, or second cousin. A
13 person is related to the child as a first cousin or second
14 cousin if they are both related to the same ancestor as either
15 grandchild or great-grandchild. A child whose parent has
16 executed a consent to adoption, a surrender, or a waiver
17 pursuant to Section 10 of this Act or whose parent has signed a
18 denial of paternity pursuant to Section 12 of the Vital Records
19 Act or Section 12a of this Act, or whose parent has had his or
20 her parental rights terminated, is not a related child to that
21 person, unless (1) the consent is determined to be void or is
22 void pursuant to subsection O of Section 10 of this Act; or (2)
23 the parent of the child executed a consent to adoption by a
24 specified person or persons pursuant to subsection A-1 of
25 Section 10 of this Act and a court of competent jurisdiction

1 finds that such consent is void; or (3) the order terminating
2 the parental rights of the parent is vacated by a court of
3 competent jurisdiction.

4 C. "Agency" for the purpose of this Act means a public
5 child welfare agency or a licensed child welfare agency.

6 D. "Unfit person" means any person whom the court shall
7 find to be unfit to have a child, without regard to the
8 likelihood that the child will be placed for adoption. The
9 grounds of unfitness are any one or more of the following,
10 except that a person shall not be considered an unfit person
11 for the sole reason that the person has relinquished a child in
12 accordance with the Abandoned Newborn Infant Protection Act:

13 (a) Abandonment of the child.

14 (a-1) Abandonment of a newborn infant in a hospital.

15 (a-2) Abandonment of a newborn infant in any setting
16 where the evidence suggests that the parent intended to
17 relinquish his or her parental rights.

18 (b) Failure to maintain a reasonable degree of
19 interest, concern or responsibility as to the child's
20 welfare.

21 (c) Desertion of the child for more than 3 months next
22 preceding the commencement of the Adoption proceeding.

23 (d) Substantial neglect of the child if continuous or
24 repeated.

25 (d-1) Substantial neglect, if continuous or repeated,
26 of any child residing in the household which resulted in

1 the death of that child.

2 (e) Extreme or repeated cruelty to the child.

3 (f) There is a rebuttable presumption, which can be
4 overcome only by clear and convincing evidence, that a
5 parent is unfit if:

6 (1) Two or more findings of physical abuse have
7 been entered regarding any children under Section 2-21
8 of the Juvenile Court Act of 1987, the most recent of
9 which was determined by the juvenile court hearing the
10 matter to be supported by clear and convincing
11 evidence; or

12 (2) The parent has been convicted or found not
13 guilty by reason of insanity and the conviction or
14 finding resulted from the death of any child by
15 physical abuse; or

16 (3) There is a finding of physical child abuse
17 resulting from the death of any child under Section
18 2-21 of the Juvenile Court Act of 1987.

19 No conviction or finding of delinquency pursuant
20 to Article V of the Juvenile Court Act of 1987 shall be
21 considered a criminal conviction for the purpose of
22 applying any presumption under this item (f).

23 (g) Failure to protect the child from conditions within
24 his environment injurious to the child's welfare.

25 (h) Other neglect of, or misconduct toward the child;
26 provided that in making a finding of unfitness the court

1 hearing the adoption proceeding shall not be bound by any
2 previous finding, order or judgment affecting or
3 determining the rights of the parents toward the child
4 sought to be adopted in any other proceeding except such
5 proceedings terminating parental rights as shall be had
6 under either this Act, the Juvenile Court Act or the
7 Juvenile Court Act of 1987.

8 (i) Depravity. Conviction of any one of the following
9 crimes shall create a presumption that a parent is deprived
10 which can be overcome only by clear and convincing
11 evidence: (1) first degree murder in violation of paragraph
12 1 or 2 of subsection (a) of Section 9-1 of the Criminal
13 Code of 1961 or the Criminal Code of 2012 or conviction of
14 second degree murder in violation of subsection (a) of
15 Section 9-2 of the Criminal Code of 1961 or the Criminal
16 Code of 2012 of a parent of the child to be adopted; (2)
17 first degree murder or second degree murder of any child in
18 violation of the Criminal Code of 1961 or the Criminal Code
19 of 2012; (3) attempt or conspiracy to commit first degree
20 murder or second degree murder of any child in violation of
21 the Criminal Code of 1961 or the Criminal Code of 2012; (4)
22 solicitation to commit murder of any child, solicitation to
23 commit murder of any child for hire, or solicitation to
24 commit second degree murder of any child in violation of
25 the Criminal Code of 1961 or the Criminal Code of 2012; (5)
26 predatory criminal sexual assault of a child in violation

1 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961
2 or the Criminal Code of 2012; (6) heinous battery of any
3 child in violation of the Criminal Code of 1961; or (7)
4 aggravated battery of any child in violation of the
5 Criminal Code of 1961 or the Criminal Code of 2012.

6 There is a rebuttable presumption that a parent is
7 deprived if the parent has been criminally convicted of at
8 least 3 felonies under the laws of this State or any other
9 state, or under federal law, or the criminal laws of any
10 United States territory; and at least one of these
11 convictions took place within 5 years of the filing of the
12 petition or motion seeking termination of parental rights.

13 There is a rebuttable presumption that a parent is
14 deprived if that parent has been criminally convicted of
15 either first or second degree murder of any person as
16 defined in the Criminal Code of 1961 or the Criminal Code
17 of 2012 within 10 years of the filing date of the petition
18 or motion to terminate parental rights.

19 No conviction or finding of delinquency pursuant to
20 Article 5 of the Juvenile Court Act of 1987 shall be
21 considered a criminal conviction for the purpose of
22 applying any presumption under this item (i).

23 (j) Open and notorious adultery or fornication.

24 (j-1) (Blank).

25 (k) Habitual drunkenness or addiction to drugs, other
26 than those prescribed by a physician, for at least one year

1 immediately prior to the commencement of the unfitness
2 proceeding.

3 There is a rebuttable presumption that a parent is
4 unfit under this subsection with respect to any child to
5 which that parent gives birth where there is a confirmed
6 test result that at birth the child's blood, urine, or
7 meconium contained any amount of a controlled substance as
8 defined in subsection (f) of Section 102 of the Illinois
9 Controlled Substances Act or metabolites of such
10 substances, the presence of which in the newborn infant was
11 not the result of medical treatment administered to the
12 mother or the newborn infant; and the biological mother of
13 this child is the biological mother of at least one other
14 child who was adjudicated a neglected minor under
15 subsection (c) of Section 2-3 of the Juvenile Court Act of
16 1987.

17 (l) Failure to demonstrate a reasonable degree of
18 interest, concern or responsibility as to the welfare of a
19 new born child during the first 30 days after its birth.

20 (m) Failure by a parent (i) to make reasonable efforts
21 to correct the conditions that were the basis for the
22 removal of the child from the parent during any 9-month
23 period following the adjudication of neglected or abused
24 minor under Section 2-3 of the Juvenile Court Act of 1987
25 or dependent minor under Section 2-4 of that Act, or (ii)
26 to make reasonable progress toward the return of the child

1 to the parent during any 9-month period following the
2 adjudication of neglected or abused minor under Section 2-3
3 of the Juvenile Court Act of 1987 or dependent minor under
4 Section 2-4 of that Act. If a service plan has been
5 established as required under Section 8.2 of the Abused and
6 Neglected Child Reporting Act to correct the conditions
7 that were the basis for the removal of the child from the
8 parent and if those services were available, then, for
9 purposes of this Act, "failure to make reasonable progress
10 toward the return of the child to the parent" includes the
11 parent's failure to substantially fulfill his or her
12 obligations under the service plan and correct the
13 conditions that brought the child into care during any
14 9-month period following the adjudication under Section
15 2-3 or 2-4 of the Juvenile Court Act of 1987.
16 Notwithstanding any other provision, when a petition or
17 motion seeks to terminate parental rights on the basis of
18 item (ii) of this subsection (m), the petitioner shall file
19 with the court and serve on the parties a pleading that
20 specifies the 9-month period or periods relied on. The
21 pleading shall be filed and served on the parties no later
22 than 3 weeks before the date set by the court for closure
23 of discovery, and the allegations in the pleading shall be
24 treated as incorporated into the petition or motion.
25 Failure of a respondent to file a written denial of the
26 allegations in the pleading shall not be treated as an

1 admission that the allegations are true.

2 (m-1) (Blank). ~~Pursuant to the Juvenile Court Act of~~
3 ~~1987, a child has been in foster care for 15 months out of~~
4 ~~any 22 month period which begins on or after the effective~~
5 ~~date of this amendatory Act of 1998 unless the child's~~
6 ~~parent can prove by a preponderance of the evidence that it~~
7 ~~is more likely than not that it will be in the best~~
8 ~~interests of the child to be returned to the parent within~~
9 ~~6 months of the date on which a petition for termination of~~
10 ~~parental rights is filed under the Juvenile Court Act of~~
11 ~~1987. The 15 month time limit is tolled during any period~~
12 ~~for which there is a court finding that the appointed~~
13 ~~custodian or guardian failed to make reasonable efforts to~~
14 ~~reunify the child with his or her family, provided that (i)~~
15 ~~the finding of no reasonable efforts is made within 60 days~~
16 ~~of the period when reasonable efforts were not made or (ii)~~
17 ~~the parent filed a motion requesting a finding of no~~
18 ~~reasonable efforts within 60 days of the period when~~
19 ~~reasonable efforts were not made. For purposes of this~~
20 ~~subdivision (m-1), the date of entering foster care is the~~
21 ~~earlier of: (i) the date of a judicial finding at an~~
22 ~~adjudicatory hearing that the child is an abused,~~
23 ~~neglected, or dependent minor; or (ii) 60 days after the~~
24 ~~date on which the child is removed from his or her parent,~~
25 ~~guardian, or legal custodian.~~

26 (n) Evidence of intent to forgo his or her parental

1 rights, whether or not the child is a ward of the court,
2 (1) as manifested by his or her failure for a period of 12
3 months: (i) to visit the child, (ii) to communicate with
4 the child or agency, although able to do so and not
5 prevented from doing so by an agency or by court order, or
6 (iii) to maintain contact with or plan for the future of
7 the child, although physically able to do so, or (2) as
8 manifested by the father's failure, where he and the mother
9 of the child were unmarried to each other at the time of
10 the child's birth, (i) to commence legal proceedings to
11 establish his paternity under the Illinois Parentage Act of
12 1984, the Illinois Parentage Act of 2015, or the law of the
13 jurisdiction of the child's birth within 30 days of being
14 informed, pursuant to Section 12a of this Act, that he is
15 the father or the likely father of the child or, after
16 being so informed where the child is not yet born, within
17 30 days of the child's birth, or (ii) to make a good faith
18 effort to pay a reasonable amount of the expenses related
19 to the birth of the child and to provide a reasonable
20 amount for the financial support of the child, the court to
21 consider in its determination all relevant circumstances,
22 including the financial condition of both parents;
23 provided that the ground for termination provided in this
24 subparagraph (n) (2) (ii) shall only be available where the
25 petition is brought by the mother or the husband of the
26 mother.

1 Contact or communication by a parent with his or her
2 child that does not demonstrate affection and concern does
3 not constitute reasonable contact and planning under
4 subdivision (n). In the absence of evidence to the
5 contrary, the ability to visit, communicate, maintain
6 contact, pay expenses and plan for the future shall be
7 presumed. The subjective intent of the parent, whether
8 expressed or otherwise, unsupported by evidence of the
9 foregoing parental acts manifesting that intent, shall not
10 preclude a determination that the parent has intended to
11 forgo his or her parental rights. In making this
12 determination, the court may consider but shall not require
13 a showing of diligent efforts by an authorized agency to
14 encourage the parent to perform the acts specified in
15 subdivision (n).

16 It shall be an affirmative defense to any allegation
17 under paragraph (2) of this subsection that the father's
18 failure was due to circumstances beyond his control or to
19 impediments created by the mother or any other person
20 having legal custody. Proof of that fact need only be by a
21 preponderance of the evidence.

22 (o) Repeated or continuous failure by the parents,
23 although physically and financially able, to provide the
24 child with adequate food, clothing, or shelter.

25 (p) Inability to discharge parental responsibilities
26 supported by competent evidence from a psychiatrist,

1 licensed clinical social worker, or clinical psychologist
2 of mental impairment, mental illness or an intellectual
3 disability as defined in Section 1-116 of the Mental Health
4 and Developmental Disabilities Code, or developmental
5 disability as defined in Section 1-106 of that Code, and
6 there is sufficient justification to believe that the
7 inability to discharge parental responsibilities shall
8 extend beyond a reasonable time period. However, this
9 subdivision (p) shall not be construed so as to permit a
10 licensed clinical social worker to conduct any medical
11 diagnosis to determine mental illness or mental
12 impairment.

13 (q) (Blank).

14 (r) The child is in the temporary custody or
15 guardianship of the Department of Children and Family
16 Services, the parent is incarcerated as a result of
17 criminal conviction at the time the petition or motion for
18 termination of parental rights is filed, prior to
19 incarceration the parent had little or no contact with the
20 child or provided little or no support for the child, and
21 the parent's incarceration will prevent the parent from
22 discharging his or her parental responsibilities for the
23 child for a period in excess of 2 years after the filing of
24 the petition or motion for termination of parental rights.

25 (s) The child is in the temporary custody or
26 guardianship of the Department of Children and Family

1 Services, the parent is incarcerated at the time the
2 petition or motion for termination of parental rights is
3 filed, the parent has been repeatedly incarcerated as a
4 result of criminal convictions, and the parent's repeated
5 incarceration has prevented the parent from discharging
6 his or her parental responsibilities for the child.

7 (t) A finding that at birth the child's blood, urine,
8 or meconium contained any amount of a controlled substance
9 as defined in subsection (f) of Section 102 of the Illinois
10 Controlled Substances Act, or a metabolite of a controlled
11 substance, with the exception of controlled substances or
12 metabolites of such substances, the presence of which in
13 the newborn infant was the result of medical treatment
14 administered to the mother or the newborn infant, and that
15 the biological mother of this child is the biological
16 mother of at least one other child who was adjudicated a
17 neglected minor under subsection (c) of Section 2-3 of the
18 Juvenile Court Act of 1987, after which the biological
19 mother had the opportunity to enroll in and participate in
20 a clinically appropriate substance abuse counseling,
21 treatment, and rehabilitation program.

22 E. "Parent" means a person who is the legal mother or legal
23 father of the child as defined in subsection X or Y of this
24 Section. For the purpose of this Act, a parent who has executed
25 a consent to adoption, a surrender, or a waiver pursuant to
26 Section 10 of this Act, who has signed a Denial of Paternity

1 pursuant to Section 12 of the Vital Records Act or Section 12a
2 of this Act, or whose parental rights have been terminated by a
3 court, is not a parent of the child who was the subject of the
4 consent, surrender, waiver, or denial unless (1) the consent is
5 void pursuant to subsection O of Section 10 of this Act; or (2)
6 the person executed a consent to adoption by a specified person
7 or persons pursuant to subsection A-1 of Section 10 of this Act
8 and a court of competent jurisdiction finds that the consent is
9 void; or (3) the order terminating the parental rights of the
10 person is vacated by a court of competent jurisdiction.

11 F. A person is available for adoption when the person is:

12 (a) a child who has been surrendered for adoption to an
13 agency and to whose adoption the agency has thereafter
14 consented;

15 (b) a child to whose adoption a person authorized by
16 law, other than his parents, has consented, or to whose
17 adoption no consent is required pursuant to Section 8 of
18 this Act;

19 (c) a child who is in the custody of persons who intend
20 to adopt him through placement made by his parents;

21 (c-1) a child for whom a parent has signed a specific
22 consent pursuant to subsection O of Section 10;

23 (d) an adult who meets the conditions set forth in
24 Section 3 of this Act; or

25 (e) a child who has been relinquished as defined in
26 Section 10 of the Abandoned Newborn Infant Protection Act.

1 A person who would otherwise be available for adoption
2 shall not be deemed unavailable for adoption solely by reason
3 of his or her death.

4 G. The singular includes the plural and the plural includes
5 the singular and the "male" includes the "female", as the
6 context of this Act may require.

7 H. (Blank).

8 I. "Habitual residence" has the meaning ascribed to it in
9 the federal Intercountry Adoption Act of 2000 and regulations
10 promulgated thereunder.

11 J. "Immediate relatives" means the biological parents, the
12 parents of the biological parents and siblings of the
13 biological parents.

14 K. "Intercountry adoption" is a process by which a child
15 from a country other than the United States is adopted by
16 persons who are habitual residents of the United States, or the
17 child is a habitual resident of the United States who is
18 adopted by persons who are habitual residents of a country
19 other than the United States.

20 L. (Blank).

21 M. "Interstate Compact on the Placement of Children" is a
22 law enacted by all states and certain territories for the
23 purpose of establishing uniform procedures for handling the
24 interstate placement of children in foster homes, adoptive
25 homes, or other child care facilities.

26 N. (Blank).

1 O. "Preadoption requirements" means any conditions or
2 standards established by the laws or administrative rules of
3 this State that must be met by a prospective adoptive parent
4 prior to the placement of a child in an adoptive home.

5 P. "Abused child" means a child whose parent or immediate
6 family member, or any person responsible for the child's
7 welfare, or any individual residing in the same home as the
8 child, or a paramour of the child's parent:

9 (a) inflicts, causes to be inflicted, or allows to be
10 inflicted upon the child physical injury, by other than
11 accidental means, that causes death, disfigurement,
12 impairment of physical or emotional health, or loss or
13 impairment of any bodily function;

14 (b) creates a substantial risk of physical injury to
15 the child by other than accidental means which would be
16 likely to cause death, disfigurement, impairment of
17 physical or emotional health, or loss or impairment of any
18 bodily function;

19 (c) commits or allows to be committed any sex offense
20 against the child, as sex offenses are defined in the
21 Criminal Code of 2012 and extending those definitions of
22 sex offenses to include children under 18 years of age;

23 (d) commits or allows to be committed an act or acts of
24 torture upon the child; or

25 (e) inflicts excessive corporal punishment.

26 Q. "Neglected child" means any child whose parent or other

1 person responsible for the child's welfare withholds or denies
2 nourishment or medically indicated treatment including food or
3 care denied solely on the basis of the present or anticipated
4 mental or physical impairment as determined by a physician
5 acting alone or in consultation with other physicians or
6 otherwise does not provide the proper or necessary support,
7 education as required by law, or medical or other remedial care
8 recognized under State law as necessary for a child's
9 well-being, or other care necessary for his or her well-being,
10 including adequate food, clothing and shelter; or who is
11 abandoned by his or her parents or other person responsible for
12 the child's welfare.

13 A child shall not be considered neglected or abused for the
14 sole reason that the child's parent or other person responsible
15 for his or her welfare depends upon spiritual means through
16 prayer alone for the treatment or cure of disease or remedial
17 care as provided under Section 4 of the Abused and Neglected
18 Child Reporting Act. A child shall not be considered neglected
19 or abused for the sole reason that the child's parent or other
20 person responsible for the child's welfare failed to vaccinate,
21 delayed vaccination, or refused vaccination for the child due
22 to a waiver on religious or medical grounds as permitted by
23 law.

24 R. "Putative father" means a man who may be a child's
25 father, but who (1) is not married to the child's mother on or
26 before the date that the child was or is to be born and (2) has

1 not established paternity of the child in a court proceeding
2 before the filing of a petition for the adoption of the child.
3 The term includes a male who is less than 18 years of age.
4 "Putative father" does not mean a man who is the child's father
5 as a result of criminal sexual abuse or assault as defined
6 under Article 11 of the Criminal Code of 2012.

7 S. "Standby adoption" means an adoption in which a parent
8 consents to custody and termination of parental rights to
9 become effective upon the occurrence of a future event, which
10 is either the death of the parent or the request of the parent
11 for the entry of a final judgment of adoption.

12 T. (Blank).

13 T-5. "Biological parent", "birth parent", or "natural
14 parent" of a child are interchangeable terms that mean a person
15 who is biologically or genetically related to that child as a
16 parent.

17 U. "Interstate adoption" means the placement of a minor
18 child with a prospective adoptive parent for the purpose of
19 pursuing an adoption for that child that is subject to the
20 provisions of the Interstate Compact on Placement of Children.

21 V. (Blank).

22 W. (Blank).

23 X. "Legal father" of a child means a man who is recognized
24 as or presumed to be that child's father:

25 (1) because of his marriage to or civil union with the
26 child's parent at the time of the child's birth or within

1 300 days prior to that child's birth, unless he signed a
2 denial of paternity pursuant to Section 12 of the Vital
3 Records Act or a waiver pursuant to Section 10 of this Act;
4 or

5 (2) because his paternity of the child has been
6 established pursuant to the Illinois Parentage Act, the
7 Illinois Parentage Act of 1984, or the Gestational
8 Surrogacy Act; or

9 (3) because he is listed as the child's father or
10 parent on the child's birth certificate, unless he is
11 otherwise determined by an administrative or judicial
12 proceeding not to be the parent of the child or unless he
13 rescinds his acknowledgment of paternity pursuant to the
14 Illinois Parentage Act of 1984; or

15 (4) because his paternity or adoption of the child has
16 been established by a court of competent jurisdiction.

17 The definition in this subsection X shall not be construed
18 to provide greater or lesser rights as to the number of parents
19 who can be named on a final judgment order of adoption or
20 Illinois birth certificate that otherwise exist under Illinois
21 law.

22 Y. "Legal mother" of a child means a woman who is
23 recognized as or presumed to be that child's mother:

24 (1) because she gave birth to the child except as
25 provided in the Gestational Surrogacy Act; or

26 (2) because her maternity of the child has been

1 established pursuant to the Illinois Parentage Act of 1984
2 or the Gestational Surrogacy Act; or

3 (3) because her maternity or adoption of the child has
4 been established by a court of competent jurisdiction; or

5 (4) because of her marriage to or civil union with the
6 child's other parent at the time of the child's birth or
7 within 300 days prior to the time of birth; or

8 (5) because she is listed as the child's mother or
9 parent on the child's birth certificate unless she is
10 otherwise determined by an administrative or judicial
11 proceeding not to be the parent of the child.

12 The definition in this subsection Y shall not be construed
13 to provide greater or lesser rights as to the number of parents
14 who can be named on a final judgment order of adoption or
15 Illinois birth certificate that otherwise exist under Illinois
16 law.

17 Z. "Department" means the Illinois Department of Children
18 and Family Services.

19 AA. "Placement disruption" means a circumstance where the
20 child is removed from an adoptive placement before the adoption
21 is finalized.

22 BB. "Secondary placement" means a placement, including but
23 not limited to the placement of a ward of the Department, that
24 occurs after a placement disruption or an adoption dissolution.
25 "Secondary placement" does not mean secondary placements
26 arising due to the death of the adoptive parent of the child.

1 CC. "Adoption dissolution" means a circumstance where the
2 child is removed from an adoptive placement after the adoption
3 is finalized.

4 DD. "Unregulated placement" means the secondary placement
5 of a child that occurs without the oversight of the courts, the
6 Department, or a licensed child welfare agency.

7 EE. "Post-placement and post-adoption support services"
8 means support services for placed or adopted children and
9 families that include, but are not limited to, counseling for
10 emotional, behavioral, or developmental needs.

11 (Source: P.A. 98-455, eff. 1-1-14; 98-532, eff. 1-1-14; 98-804,
12 eff. 1-1-15; 99-49, eff. 7-15-15; 99-85, eff. 1-1-16; revised
13 8-4-15.)".